

REMARKS

Claim Status

After entry of this Amendment, Claims 1, 22, 23, 25 - 31 and 33 - 41 are pending. By this Amendment, Claims 1, 26 - 28, 30, 31 and 33 are amended, and Claims 24 and 32 are cancelled. Claims 2 - 21 have been previously cancelled. No new matter is added.

Objections to the Drawings

The Examiner objects to the drawings under 37 C.F.R. 1.84(p)(5) asserting that the drawings do not include the reference numbers 6, 7, 8, 18, 19, 20 and 23 mentioned in the specification. In response, Applicants amend the specification, as set forth in the above section "Amendments to the Specification," to remove these reference numbers. Amended drawings are therefore not required.

In view of the foregoing, Applicants respectfully request the Examiner to reconsider and withdraw the objections to the drawings.

Claim Rejections - 35 U.S.C. § 103

The Examiner rejects Claims 1, 22 - 26 and 37 under 35 U.S.C. § 103(a) as being unpatentable over Hug (EP 0 774 736, note that the inventor's name is K. Hug (college degree: Dipl.-Ing. (FH)) in view of Sawai (EP 1 006 767) and further in view of Klein (US 6,671,384).

Applicants agree with the Examiner that Hug fails to disclose the details of the fastening means recited in Claim 1. Furthermore, Applicants note that Hug fails to disclose a bearing surface, as recited in Claim 1, because Hug's battery housing 29 does not bear against an outer side of a wall of the housing 1, as shown in Fig. 4. In fact, Fig. 1 confirms that the battery housing 29 is completely located inside the housing 1 without any contact to an outer side; the lid 15 covers the battery housing 1.

Similarly, Sawai discloses a battery holder 4 that is completely located inside the housing 1, as shown in Fig. 6. There is no recess that would allow access to battery holder 4 from outside the housing 1. Accordingly, Sawai fails to disclose a bearing surface that bears against an outer side of a wall of the housing, as recited in Claim 1.

At least in view of these differences, Applicants respectfully submit that the instant rejection is not supported by Hug and Sawai. For at least these reasons, Applicants respectfully traverse.

However, notwithstanding the instant rejections, Applicants amend Claim 1 and several dependent claims, as set forth in the above listing of claims. For instance, Claim 1 is amended to clarify that the battery holder has a basic body and a battery receptacle as part of the basic body, and that the battery holder is arranged to be fixed on the housing by at least one fastening means. Claim 1 now provides proper antecedent basis for Claims 28, 40. Claims 26 – 28, 30, 31 and 33 are amended to improve clarity, and to be consistent with amended Claim 1. No new matter is added.

In addition to the above discussion of Hug and Sawai, Applicants submit that Hug and Sawai teach two different approaches for housing a battery that are not compatible. Hug's battery housing 29 is accessible from outside the tachograph housing, however, it is welded from the inside to an inner side of the front wall of the housing 1. In contrast, Sawai's battery holder 4 is not accessible from outside the housing, however, it removably engages with the engagement nails 19, 58 of the base 2, as shown in Figs. 1 and 6. (Col. 6, lines 35 – 42, and col. 11, lines 9 – 15.) Absent unacceptable hindsight, the skilled person would not consider abandoning Hug's concept (welding) for Sawai's concept (removable engagement) when the battery housing is accessible from the outside, and manipulation of the tachograph is an issue.

Applicants, therefore, respectfully disagree with the Examiner's assertion that it would have been obvious to combine Sawai's battery holder portion (removable engagement) in Hug's housing (welding) to have access to the fastening means from the inside for security. In view of the discussed different concepts, Applicants respectfully submit that Hug and Sawai do not support the Examiner's assertion, and that it would not have been obvious to combine Hug and Sawai.

Even in view of Klein's disclosure of latching hooks 26 (Figs. 3 and 4), Applicants respectfully submit that Hug, Sawai and Klein at least fail to disclose or suggest all the limitations recited in amended Claim 1 to render that claim obvious. Applicants respectfully request the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 103(a) and to pass amended Claim 1 to allowance.

Claims 22, 23 25 and 26 depend from Claim 1. For this reason and because of the additional features recited in these dependent claims, Applicants respectfully

submit that Claims 22, 23 25 and 26 are patentable over Hug in view of Sawai and Klein. Applicants respectfully request the Examiner to pass Claims 22, 23 25 and 26 to allowance.

Under 35 U.S.C. § 103(a), the Examiner rejects Claims 27 – 36 and 38 – 41 as being unpatentable over Hug in view of Sawai and Klein and further in view of Zander (US 5,675,835), and Claims 40 and 41 as being unpatentable over Hug in view of Sawai, Klein and Zander and further in view of Rieger (US 5,897,225). Applicants respectfully traverse.

Zander discloses a camera and film loading device where flanges 746, 748 secure film cartridge. Rieger discloses a single-use camera having film hinges 13b, 14b to connect shutter covers 13, 14 to the body. Zander and Rieger do not teach the features missing in Hug, Sawai or Klein to anticipate or render obvious amended Claim 1.

Claims 27 – 31, 33 – 36 and 38 – 41 depend from Claim 1. For this reason and because of the additional inventive features recited in these dependent claims, Applicants submit that Claims 27 – 31, 33 – 36 and 38 – 41 are patentable over the cited references, and respectfully request the Examiner to reconsider and withdraw the instant rejections, and to pass Claims 27 – 31, 33 – 36 and 38 – 41 to allowance.

Summary of the Response

Applicants have responded to the rejections in the January 8, 2008 Office Action by amending the claims, as set forth in the above listing of claims, and presenting the above arguments. Applicants respectfully submit that Claims 1, 22, 23, 25 - 31 and 33 – 41 are in condition for allowance. Applicants respectfully request the Examiner to withdraw all objections and rejections and to pass this application to the issue process.

Request for Telephone Interview


The undersigned has made a good faith effort to respond to the objection and to all of the rejections raised in the Office Action so as to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call the

undersigned attorney of record at the telephone number listed below in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to **Deposit Account No. 502464** referencing attorney docket number **2003P03435WOUS**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account

Respectfully submitted,

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